

JOSEPH E. DUNNE III
COLBY M. MAY*

*ALSO ADMITTED IN VIRGINIA

MAY & DUNNE
CHARTERED
ATTORNEYS AT LAW
1000 THOMAS JEFFERSON STREET, N.W.
SUITE 520
WASHINGTON, D.C. 20007
(202) 298-6345

RICHARD G. GAY
OF COUNSEL

TELECOPIER NO.
(202) 298-6375

December 17, 1992

HAND DELIVER

RECEIVED

DEC 17 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

ATTN: The Honorable Joseph P. Gonzalez

RE: KCBX, Inc. et al., MM Docket No. 92-186, San Luis Obispo,
California

Dear Ms. Searcy:

Transmitted herewith on behalf of KCBX, Inc. (KCBX) and Logos Broadcasting Corporation (Logos), the applicants in the above-referenced docketed hearing proceeding, is an original and six copies of certain documents which correct or supplement the "Joint Request for Approval of Agreement" (Joint Request), "Settlement Agreement," and ancillary documents filed by the applicants on December 11, 1992.

The documents submitted herewith include the following.

- (1) A corrected page two of the Joint Request which clarifies that the applicants have agreed upon and are requesting approval of a payment to KCBX of up to \$19,554.00, or such lesser amount as the Commission shall approve.
- (2) Page 1 of the Settlement Agreement showing a execution date of December 9, 1992.
- (3) A letter from Mr. Frank Lanzzone, Jr., correcting the Verified Statement filed on December 11, 1992, and affirming that the applicants have agreed that KCBX will be paid up to \$19,554.00 or such lesser amount as the Commission shall approve.
- (4) A letter from Stephen N. Dorsi describing in greater detail the services which he rendered to KCBX, Inc. for which legal fees were charged.


No. of Copies rec'd 046
List A B C D E

December 17, 1992
Page 2

Should any further questions arise concerning this matter, kindly contact KCBX' counsel, Mr. Wayne Coy, Jr., or the undersigned, directly.

Respectfully submitted,

MAY & DUNNE, CHARTERED

By: 
Joseph E. Dunne III
Attorney for Logos Broadcasting
Corporation

JED:gmc:A17
enclosures

xc: All Per Attached Certificate of Service
Dan Lemburg

on November 30, 1992 pursuant to the Judge's Order, FCC 92M-1015 (released October 22, 1992).

2. The Petitioners have entered into an agreement (Exhibit A) which provides that KCBX, in return for the dismissal of its application for channel 207B, San Luis Obispo, California, will receive the reimbursement of its legitimate and prudent expenses up to a total amount of \$19,554.00, or such lesser amount as approved by the Commission, all as specified in the Settlement Agreement.

3. Verified statements required by Section 73.3525 of the Commission's rules are attached as Attachment A to the Settlement Agreement, attesting to the fact that: the applications were not filed for the purpose of reaching or carrying out a settlement agreement; the only consideration to be paid or promised the dismissing applicant is fully set forth in the Settlement Agreement; and, the dismissing applicant will not receive in consideration an amount greater than its legitimate and prudent expenses.

4. Prompt approval of this Agreement is in the public interest since it will remove the mutual exclusivity between the Petitioners, thereby allowing the expeditious grant of Logos' application, conserving the Commission's limited administrative resources and ensuring the speedy inauguration of the local non-

SETTLEMENT AGREEMENT

THIS AGREEMENT is made and entered into as of the 9th day of December, 1992, by and between Logos Broadcasting Corporation ("Logos") and KCBX, Inc. ("KCBX").

WHEREAS, Logos and KCBX each has on file before the Federal Communications Commission (the "Commission") applications for construction permits for a noncommercial FM broadcast station on Channel 207B, San Luis Obispo, California; and

WHEREAS, the parties' applications have been designated for hearing in a Hearing Designation Order; and

WHEREAS, the parties to this Agreement believe that the dismissal of KCBX' application will serve the public interest by allowing the expeditious grant of Logos' application, contributing to a more rapid implementation of the local noncommercial aural service to San Luis Obispo, California.

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, and subject to the approval of the Commission, the parties hereto agree as follows:

1. Dismissal of Application. Subject to the terms and conditions of this Agreement, KCBX agrees to dismiss with prejudice its pending construction permit application for Channel 207B in San Luis Obispo, California (File No. BPED-890619MH).



December 13, 1992

Ms. Donna R. Searcy
Secretary
Federal Communication Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: Settlement Agreement
KCBX, Inc. et al
MM Docket No. 92-186

Dear Ms. Searcy:

I have reviewed my verified statement that was filed in support of the above-referenced settlement agreement and find that an error appears therein. The dollar amount stipulated in line 6 of the second-numbered paragraph should be \$19,554, not \$18,000, the amount in a preliminary draft.

In all other respects the statement remains true and accurate.

Respectfully submitted,

A handwritten signature in cursive script that reads "Frank Lanzzone, Jr.".

Frank R. Lanzzone, Jr.
President
KCBX, Inc.



Printed on recycled paper.

Law Offices

Stephen Nathan Dorsi

1026 Chorro Street - P.O. Box 1253

San Luis Obispo, California 93406

November 24, 1992

FRANK R LANZONE JR
KCBX INC
4100 VACHELL LANE
SAN LUIS OBISPO CA 93401

RE: APPLICATION FOR SECOND FM CHANNEL IN SAN LUIS OBISPO

The following services have been provided since 1987 in connection with the application for a second FM channel in San Luis Obispo:

October 1986 thru September 1987 - 7 hours @ \$105	\$ 735
October 1987 thru September 1988 - 5 hours @ \$120	600
October 1988 thru September 1989 - 5 hours @ \$135	675
October 1989 thru September 1990 - 7 hours @ \$135	945
October 1990 thru September 1991 - 14 hours @ \$150	2,100
October 1991 thru September 1992 - 18 hours @ \$150	2,700
October 1992 thru November 1992 - 3 hours @ \$150	450

Total: \$8,205

All accrued charges have been billed.

The entire balance of \$8,205 remains unpaid.

The services provided consisted of conferences concerning the viability of extending operations agreements to cover a new radio station, negotiations concerning the site agreements for location of the transmitter and tower for a new radio station, conferences concerning staff requirements and allocation for a new radio station, conferences concerning network subscription agreements for a new radio station, review scope of network agreements, conferences concerning applying revenues from existing fund raising and financing to support a new radio station, conferences concerning implementing a fund raising program focused on future development of full time classical broadcasting on a new radio station, review of quasi-contractual obligations which may result from focused fund raising and promotion for a new radio station if the focused goal is abandoned, and meetings and negotiations with competing applicant.

Sincerely yours,



Stephen N. Dorsi

SND:jj

CERTIFICATE OF SERVICE

I, Brian Claydon, a law clerk in the offices of May & Dunne, Chartered, hereby certify that on this 17th day of December, 1992, I caused the foregoing documents which correct or supplement the "Joint Request for Approval of Agreement" filed by the parties to be hand-delivered to the following:

The Honorable Joseph P. Gonzalez
Administrative Law Judge
2000 L Street, Room 221
Washington, D.C. 20554

Gary Schonman, Esq.
Hearing Division, Mass Media Bureau
2025 M Street, N.W., Room 7212
Washington, D.C. 20554

Wayne Coy, Jr., Esq.
Cohn & Marks
1333 New Hampshire Ave., N.W.
Suite 600
Washington, D.C. 20036
(Attorney for KCBX, Inc.)

By: 
Brian Claydon